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Attorneys for Defendant County of Sonoma (also sued as Sonoma County Sheriff's Department)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OKLEVUEHA NATIVE AMERICAN)	
CHURCH, et al)	Case Number: 15-cv-05363-VC
)	
Plaintiffs,)	UPDATED CASE MANAGEMENT
)	STATEMENT
)	
vs.)	
)	
SONOMA COUNTY, et al)	
Defendants.)	
)	

Defendant County of Sonoma submits this updated CASE MANAGEMENT
STATEMENT.

1. Jurisdiction & Service

The basis for the court's subject matter jurisdiction over plaintiff's claims and defendant's counterclaims, whether any issues exist regarding persona jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.

The case involves federal law, and therefore the court has original jurisdiction. Defendant County of Sonoma ("County Defendant") has been served and answered. Plaintiff has not served the remaining Defendants, who were dismissed by Judge Chhabria [Docket 34]. No counsel was available from plaintiffs' side to review, edit and/or approve this joint statement, so it is being submitted solely by defendant's counsel.

2. Facts

A brief chronology of the facts and a statement of the principal factual issues in dispute.

1 Plaintiff alleges the County permit and resource management violated their rights, and that the
 2 County through the Sonoma County Sheriff's office entered the premises of the Church and its
 3 members, destroying church property and illegally detaining the members. The County denies
 4 any illegal or unconstitutional conduct.

5 3. Legal Issues

6 *A brief statement, without extended legal argument, of the disputed points of law, including reference to specific
 statutes and decisions.*

7 The plaintiff has seven causes of action and a request for injunctive relief. The causes of action
 8 include violations of the Religious Land Use and Institutionalized Person Act (RLUIPA) 42
 9 U.S.C. §§ 2000cc, et al; violation of the Plaintiff's 1st, 4th, 5th and 14th amendments, through 42
 10 U.S.C. §1983; Inverse Condemnation (California Constitution); Violation of Art. 1 Sec. 4,
 11 California Constitution (No Discrimination).

12 County's legal issues: Whether County violated FLUIPA in any way; whether County violated
 13 Plaintiff civil rights; whether County has right to enforce zoning regulations; whether search
 14 warrant served on reasonable cause.

15 4. Motions

16 *All prior and pending motions, their current status, and any anticipated motions.*

17 There are no pending motions at this time.

18 County Defendant will file a motion for summary judgment/partial summary adjudication.

19 5. Amendment of Pleadings

20 *The extent to which parties, claims, or defenses are expected to be added or dismissed and a proposed deadline for
 amending the pleadings.*

21 The time in which to amend the pleadings has passed.

22 6. Evidence Preservation

23 *A brief report certifying that the parties have reviewed the Guidelines Relating to the Discovery of Electronically
 Stored Information ("ESI Guidelines"), and confirming that the parties have met and conferred pursuant to Fed. R.
 Civ. P. 26(f) regarding reasonable and proportionate steps taken to preserve evidence relevant to the issues
 reasonably evident in this action. See ESI Guidelines 2.01 and 2.02, and Checklist for ESI Meet and Confer.*

24 By signature hereon, the parties certify they have received the ESI Guidelines and have taken
 25 proportionate steps to preserve evidence relevant to the issues reasonably evident in this action.
 26
 27
 28

1
2 **7. Disclosures**

3 *Whether there has been full and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26 and*
4 *a description of the disclosures made.*

5 Plaintiffs have failed to serve County with initial disclosures despite several requests for same.

6 Defendants timely and properly served their initial disclosures as required by FRCP Rule 26.

7 **8. Discovery**

8 *Discovery taken to date, if any, the scope of anticipated discovery, any proposed limitations or modifications of the*
9 *discovery rules, a brief report on whether the parties have considered entering into a stipulated e-discovery order, a*
10 *proposed discovery plan pursuant to Fed. R. Civ. P. 26(f), and any identified discovery disputes.*

11 Plaintiffs have failed to comply with FRCP Rule 26, and defendants have not been provided any
12 information supportive of the claims and/or damages sought in this lawsuit. Defendants will seek
13 relief from the court.

14 **9. Class Actions**

15 *If a class action, a proposal for how and when the class will be certified.*

16 This is not a class action.

17 **10. Related Cases**

18 *Any related cases or proceedings pending before another judge of this court, or before another court or*
19 *administrative body.*

20 Oklevueha Native American church of Hawaii, Inc. v. Loretta Lynch et al., 2016 U.S. App.

21 LEXIS 6275 (9th Circuit 2016).

22 **11. Relief**

23 *All relief sought through complaint or counterclaim, including the amount of any damages sought and a description*
24 *of the bases on which damages are calculated. In addition, any party from whom damages are sought must describe*
25 *the bases on which it contends damages should be calculated if liability is established.*

26 Plaintiffs have failed to engage in initial disclosures and present their claim of damages and/or
27 the basis upon which they are sought.

28 **12. Settlement and ADR**

Prospects for settlement, ADR efforts to date, and a specific ADR plan for the case, including compliance with ADR
L.R. 3-5 and a description of key discovery or motions necessary to position the parties to negotiate a resolution.

The parties participated in an ADR conference call, but if plaintiffs fail to participate in initial
disclosures or continue to fail to prosecute this matter, County will request that it be exempt from
ADR proceedings.

13. Consent to Magistrate Judge For All Purposes

Whether all parties will consent to have a magistrate judge conduct all further proceedings including trial and entry
of judgment. ___ YES __X__ NO

1
2 **14. Other References**

3 *Whether the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on*
4 *Multidistrict Litigation.*

5 None.

6 **15. Narrowing of Issues**

7 *Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial*
8 *(e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims, or defenses.*

9 None anticipated.

10 **16. Expedited Trial Procedure**

11 *Whether this is the type of case that can be handled under the Expedited Trial Procedure of General Order 64,*
12 *Attachment A. If all parties agree, they shall instead of this Statement, file an executed Agreement for Expedited*
13 *Trial and a Joint Expedited Case Management Statement, in accordance with General Order No. 64, Attachments B*
14 *and D.*

15 This case is not the type of case that can be handled under the Expedited Trial Procedure of
16 General Order 64, Attachment A.

17 **17. Scheduling**

18 *Proposed dates for designation of experts, discovery cutoff, hearing of dispositive motions, pretrial conference and*
19 *trial.*

20 Has already occurred.

21 **18. Trial**

22 *Whether the case will be tried to a jury or to the court and the expected length of the trial.*

23 Jury trial is scheduled for 2017.

24 **19. Disclosure of Non-party Interested Entities or Persons**

25 *Whether each party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-15.*
26 *In addition, each party must restate in the case management statement the contents of its certification by identifying*
27 *any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party*
28 *to have either: (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any*
29 *other kind of interest that could be substantially affected by the outcome of the proceeding.*

30 County Defendant is exempt from filing Certification of Interested Entities or Persons per Civil
31 Local Rule 3-15(a). Plaintiffs have not filed a Certification of Interested Entities or Persons.

32 **20. Professional Conduct**

33 *Whether all attorneys of record for the parties have reviewed the Guidelines for Professional Conduct for the*
34 *Northern District of California.*

35 County Defendant's attorney has reviewed the guidelines and agrees to adhere to them.

36 **21. Other**

37 *Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.*

1 The PACER registered email address for lead counsel for plaintiffs, Matthew Pappas, is not
2 accepting email any longer (see attached). No other address is available from the PACER
3 notification page or from the California State Bar website, other than for his co-counsel, Ms.
4 Charnel James. Charnel James has indicated that she is “in the process of being subbed out” and
5 would have “that document” to County’s attorney on May 31, 2016. (See attached.) This
6 statement is therefore being filed by County’s attorneys, only.

7
8
9 Dated: 5/31/2016

/s/ Bonnie Freeman

Attorneys for Defendant County of Sonoma

Bonnie Freeman

From: MAILER-DAEMON@server907.appriver.com
To: matt.pappas@mattpappaslaw.com
Sent: Tuesday, May 31, 2016 1:20 PM
Subject: Undeliverable: Joint Case Management SStatement ONAC v. Brown et al.

Delivery has failed to these recipients or groups:

matt.pappas@mattpappaslaw.com

A problem occurred while delivering your message to this email address. Try sending your message again. If the problem continues, please contact your email admin.

The following organization rejected your message: mattpappaslaw.com.


Diagnostic information for administrators:

Generating server: server907.appriver.com

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Remote Server returned '554 5.0.0 <mattpappaslaw.com #5.0.0 smtp;host mx.noip.com says: 554 5.7.1

<matt.pappas@mattpappaslaw.com>: Recipient address rejected: user matt.pappas@mattpappaslaw.com does not exist>' 

Original message headers:

Received: by server907.appriver.com (CommuniGate Pro PIPE 6.1.2)
with PIPE id 11382735; Tue, 31 May 2016 16:20:21 -0400
Received: from [10.246.0.39] (HELO smtp.us.exg7.exghost.com)
by server907.appriver.com (CommuniGate Pro SMTP 6.1.2)
with ESMTPS id 11382691; Tue, 31 May 2016 16:20:16 -0400
Received: from E16DN02B-S1E7.exg7.exghost.local (192.168.246.87) by
E16DN02B-S1E7.exg7.exghost.local (192.168.246.87) with Microsoft SMTP Server
(TLS) id 15.1.466.17; Tue, 31 May 2016 16:20:16 -0400
Received: from E16DN02B-S1E7.exg7.exghost.local ([fe80::1cc6:c02e:d6ea:fa2d])
by E16DN02B-S1E7.exg7.exghost.local ([fe80::1cc6:c02e:d6ea:fa2d%22]) with
mapid id 15.01.0466.017; Tue, 31 May 2016 16:20:16 -0400
From: Bonnie Freeman <bfreeman@sennefflaw.com>
To: "matt.pappas@mattpappaslaw.com" <matt.pappas@mattpappaslaw.com>,
"charnel.james@gmail.com" <charnel.james@gmail.com>
CC: Tracy Kecskemeti <tkecskemeti@sennefflaw.com>
Subject: Joint Case Management SStatement ONAC v. Brown et al.
Thread-Topic: Joint Case Management SStatement ONAC v. Brown et al.
Thread-Index: AdG7eZb7/D1eR8m9QpKIBtri/7RPEA==
Date: Tue, 31 May 2016 20:20:16 +0000
Message-ID: <51f1c869395f43e09f4de2198c4f28cb@sennefflaw.com>
Accept-Language: en-US

Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
x-originating-ip: [67.139.48.170]
x-exclaimer-md-config: 952e3d35-ca29-4b9e-94e1-a56fe70f6560
x-rerouted-by-exchange:
Content-Type: text/plain
MIME-Version: 1.0
X-Note-AR-ScanTimeLocal: 5/31/2016 4:20:16 PM
X-Policy: sennefflaw.com - sennefflaw.com
X-Policy: sennefflaw.com - sennefflaw.com
X-Primary: bfreeman@sennefflaw.com
X-Note: This Email was scanned by AppRiver SecureTide
X-Note: SecureTide Build: 4/25/2016 6:59:12 PM UTC
X-Note: VCH-CT/SI:0-3975/SG:1 5/31/2016 4:20:14 PM
X-Virus-Scan: V-X0H0M0
X-Note: ICH-CT/SI:0-784/SG:1 5/31/2016 4:20:06 PM
X-Note-SnifferID: 0
X-Note: TCH-CT/SI:0-456/SG:8 5/31/2016 4:20:14 PM
X-GBUdb-Analysis: 0, 10.246.0.39, Ugly c=1 p=-0.994169 Source White
X-Signature-Violations: 0-0-0-32767-c
X-Note-419: 0 ms. Fail:0 Chk:1324 of 1324 total
X-Note: SCH-CT/SI:0-1324/SG:1 5/31/2016 4:20:04 PM
X-Note: Spam Tests Failed:
X-Country-Path: ->->PRIVATE->
X-Note-Sending-IP: 10.246.0.39
X-Note-Reverse-DNS:
X-Note-Return-Path: bfreeman@sennefflaw.com
X-Note: User Rule Hits:
X-Note: Global Rule Hits: G276 G277 G278 G279 G283 G284 G408 G414 G528
X-Note: Encrypt Rule Hits:
X-Note: Mail Class: VALID

Bonnie Freeman

From: charnel.james@gmail.com
Sent: Tuesday, May 31, 2016 1:42 PM
To: Bonnie Freeman; Law Office Of Charnel James
Cc: matt.pappas@mattpappaslaw.com; Tracy Kecskemeti
Subject: Re: Joint Case Management SStatement ONAC v. Brown et al.

I am in the process of being subbed out. I will try and have that document for you later today. Thank you

Charnel James

Sent from my iPhone

On May 31, 2016, at 1:20 PM, Bonnie Freeman <bfreeman@sennefflaw.com> wrote:

Having received nothing from your side, here is a joint case management statement which we will file by 4:00 today.

Please send any additions to "reply all" on this email before then.

Thank you--

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<2016 5-31 CMC Statement.pdf>